

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

MAR 27 2018

UNITED STATES OF AMERICA

v.

BOBBY PERKINS, JR.

Defendant.

UNDER SEAL

1:18-mj- 151

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Ashleigh C. Hall, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (the "ATF") and have been so employed since July 2014. As such, I am an "investigative or law enforcement officer of the United States" within the meaning of 18 U.S.C. § 2510(7)—that is, an officer of the United States empowered by law to conduct investigations of and to make arrests for, among others, offenses enumerated in 18 U.S.C. § 924(c).

2. I successfully completed the Federal Law Enforcement Training Center's Criminal Investigator Training Program in October 2014 and the ATF's Special Agent Basic Training in February 2015. I am currently assigned to the ATF Falls Church Group II field office, the primary mission of which is to investigate individuals and groups that are engaged in the commission of violent crimes and federal firearms violations. During my tenure as an agent, I have participated in and successfully conducted investigations involving violations of these laws.

3. Although, as portions of this affidavit demonstrate, there is probable cause to charge BOBBY PERKINS, JR. with other crimes—including, without being limited to, willfully

engaging in the business of dealing in firearms without being licensed to do so, in violation of 18 U.S.C. § 922(a)(1)(A); conspiring to engage in the business of dealing in firearms without being licensed to do so, in violation of 18 U.S.C. §§ 371 and 922(a)(1)(A); distributing and possessing with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1); and conspiring to distribute and to possess with intent to distribute controlled substances, in violation of 21 U.S.C. § 846—this affidavit is submitted in support of a criminal complaint and arrest warrant charging PERKINS with using and carrying a firearm during and in relation to a drug trafficking crime, and possessing a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c).

4. The facts and information contained in this affidavit are based upon my personal knowledge of the investigation and information obtained from other state and federal law enforcement officers. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, and other physical evidence obtained during the course of this investigation. Unless otherwise indicated, where the statements of others are related herein, they are related in sum and substance and not verbatim.

5. This affidavit contains information necessary to support probable cause and has been prepared only for the purpose of obtaining a criminal complaint and arrest warrant. Therefore, it contains neither all of the information known to me concerning the offense nor every fact learned by the government during the course of its investigation thus far.

FACTUAL BASIS SUPPORTING PROBABLE CAUSE

PERKINS AND GUN TRAFFICKING

A. Background on the Investigation

6. On or about April 5, 2014, law enforcement recovered a Smith & Wesson model SD9VE 9mm caliber pistol from a convicted felon in Mclean, Virginia. The convicted felon pled guilty in the Eastern District of Virginia (Alexandria Division) to possessing a firearm after being convicted of a crime punishable by more than one year of imprisonment, in violation of 18 U.S.C. § 922(g)(1).

7. An ATF firearms trace report revealed that BOBBY PERKINS, JR. was the purchaser of the Smith & Wesson 9mm caliber pistol. PERKINS purchased the firearm on February 11, 2014, from an FFL located in Woodbridge, Virginia.

8. On or about May 2, 2014, PERKINS reported to the Stafford County Sheriff's Office that a laptop and four firearms had been stolen from his home earlier that day. Further, PERKINS reported that the Smith & Wesson 9mm caliber pistol, which, as previously mentioned, law enforcement recovered on April 5, 2014, was stolen on May 2, 2014.

9. On or about June 8, 2016, during an interview with law enforcement, the convicted felon stated that he purchased the firearm from PERKINS. According to the convicted felon, PERKINS approached him and asked him if he was interested in purchasing a firearm. The convicted felon purchased the firearm for approximately \$360 in U.S. currency. The convicted felon agreed to be interviewed only after the U.S. Attorney's Office sought and obtained a compulsion order from the Honorable Liam O'Grady, United States District Court Judge for the Eastern District of Virginia.

10. In or around July 2014, the ATF opened an investigation into PERKINS for straw purchasing and dealing in firearms without a license. During this same time frame, ATF agents became aware of two previous ATF investigations from 2007 and 2008 in which PERKINS was investigated for trafficking firearms from North Carolina to Washington, D.C.

11. Also, in or around July 2014, the ATF learned from a Commonwealth of Virginia database that PERKINS had recently purchased several firearms from different FFLs located in the Eastern District of Virginia.

12. During the course of this investigation, the ATF obtained copies of the ATF Form 4473, Firearms Transaction Records for PERKINS' purchases. Based on those records, I identified a total of 17 handguns purchased by PERKINS between February 11, 2014 and August 7, 2015. According to the forms, for each purchase, PERKINS answered yes to question 11a which states, "Are you the actual transferee/buyer of the firearm(s) listed on this form?

Warning: you are not the actual buyer if you are acquiring the firearm(s) on behalf of another person."

13. Seven of those handguns purchased by PERKINS were been recovered by law enforcement at crime scenes. The "time to crime" for those firearms ranged from 14 to 549 days.¹

14. One of those handguns, a Ruger model SR40 .40 caliber pistol, was recovered on or about December 5, 2015, by the Prince George's County Police Department in Suitland,

¹ "Time to crime" refers to the duration between the date on which a firearm was acquired and the date on which it was recovered by law enforcement in connection with a crime's commission. Based on my training and experience, I have learned that a short "time to crime" is a strong indicator of firearms trafficking.

Maryland. During an interview, the individual who possessed the handgun at the time of its recovery stated that he obtained the firearm from PERKINS.

15. Based on my training and experience, I know that this many recoveries indicates that PERKINS was selling the firearms that he was purchasing and is indicative of firearms trafficking.

B. Cooperating Defendant and PERKINS' Conspiracy to Engage in Dealing in Firearms without a License

16. On or about June 5, 2015, ATF opened an investigation into Leonard J. Laraway, who the ATF believed had purchased approximately 318 firearms in a 21-month period. Many of these firearms were recovered by law enforcement. Based on this information, Laraway, who was then employed at the U.S. Naval War College in Newport, Rhode Island, was suspected of dealing in firearms without a license.

17. In 2016, Laraway pled guilty in the Eastern District of Virginia (Richmond Division) to a single-count indictment charging him with dealing in firearms without a license, in violation of 18 U.S.C. §§ 922(a)(1)(A) and 923(a). In so doing, Laraway admitted that, from in or around November 2013 to in or around October 2015, in the Eastern District of Virginia, he purchased and resold over 400 firearms with the principle objective of livelihood and pecuniary gain.

18. Laraway is cooperating with the ATF's investigation of PERKINS. Based on his cooperation, Laraway received a reduction in his sentence.

19. In October 2015, during an interview with ATF agents, Laraway stated that he met with PERKINS on approximately 25 occasions and sold PERKINS approximately 200 firearms. Because these sales were between two private parties, no ATF Form 4473, Firearm

Transaction Records were completed. Laraway told the ATF agents with whom he met that he knew PERKINS was reselling the firearms.

20. Laraway told ATF agents that PERKINS first contacted him via phone in response to an advertisement that Laraway had posted online regarding the sale of a firearm. Laraway stated that he ultimately sold this firearm, a Glock pistol, to PERKINS. Laraway said that PERKINS paid cash for this firearm and all subsequent firearms he sold to PERKINS.

21. After this initial contact and firearm sale, PERKINS began contacting Laraway on a regular basis through phone calls and text messages to inquire about whether Laraway was selling any other firearms. Laraway also advised that PERKINS would ask Laraway to obtain firearms at cheap prices and then sell the firearms to PERKINS. Laraway further stated that PERKINS mentioned he was also buying firearms from other private-party sellers who were selling firearms at cheap prices. According to Laraway, PERKINS was only interested in purchasing handguns.

22. For purposes of their firearms transactions, Laraway said, he and PERKINS would meet at businesses located in Hanover County, Virginia, or Henrico County, Virginia, both of which are located in the Eastern District of Virginia.

23. Eventually, Laraway stated, he began "fronting" firearms to PERKINS, meaning that he provided firearms to PERKINS that PERKINS would pay for at a later date. Over time, Laraway was fronting enough firearms to PERKINS that he provided the number for his Wells Fargo checking account to PERKINS so that PERKINS could deposit the money owed to Laraway directly into Laraway's bank account.

24. The ATF obtained copies of bank deposit slips corresponding to several of these infusions of money onto Laraway's account. The tickets reflect that eight cash deposits, ranging

from \$3,000 to \$5,000 and totaling \$37,000, were made into Laraway's checking account between July 27, 2015, and August 31, 2015. Each of the deposits was made at a Wells Fargo branch located on Garrisonville Road in Stafford, Virginia, an area that, the ATF's investigation has revealed, PERKINS frequents.

25. Based on his review of several known samples of PERKINS' handwriting, including documents obtained from the Rappahannock Regional Jail, a handwriting expert with the ATF has determined that it is highly probable that the hand-printed and numerical entries on the deposit slips were written by PERKINS.

26. The ATF also obtained historical cell-site data for PERKINS' known cellular phone number, which PERKINS used to communicate with Laraway. Analysis of the historical cell-site data shows that PERKINS' known cellular phone number connected to cellular towers in the vicinity of the Garrisonville Road Wells Fargo branch where the deposit slips were submitted on the days when the deposits were made into Laraway's bank account. Moreover, the phone records show that, with respect to most of the deposits that were made, PERKINS contacted Laraway within minutes of the deposits' submission.

27. The ATF also obtained historical cell-site data for Laraway's phone number. An analysis of this data, as well as the aforementioned historical cell-site data obtained for PERKINS' known cellular phone, shows both phones, in several instances, connecting at the same times to the same cellular tower within the vicinity of the Bass Pro Shops located in Ashland, Virginia, which is one of the businesses where Laraway said that he met PERKINS to sell him firearms.

28. Laraway stated that his conspiracy with PERKINS lasted from in or around May 2015 until in or around September 2015.

29. I have reviewed approximately 130 ATF firearms trace reports for firearms recovered by law enforcement that identify Laraway as the original purchaser. Based on Laraway's statements, I believe approximately 106 of those recovered firearms were sold to PERKINS by Laraway. The "time to crime" for the recovered firearms ranges from six days to over 2,000 days.² Most of the firearms were recovered in Washington, D.C., with others found in Maryland, Virginia, New York, New Jersey, and Pennsylvania.

C. Interview of PERKINS

30. On November 6, 2015, ATF agents conducted a voluntary interview of PERKINS at his residence. During the interview, PERKINS admitted to knowing Laraway but denied purchasing 200 firearms from him. After being read his Miranda rights, PERKINS said that he no longer wished to speak to law enforcement. After being presented with an ATF Notice of Unlicensed Firearms Dealing in Violation of Federal Law, however, PERKINS began asking the agents questions. PERKINS stated that he did not know how many firearms he purchased from Laraway. He also stated that he did not know how many firearms he sold. When asked where the firearms he purchased from Laraway were currently located, PERKINS stated that he only had one firearm left in his possession. Finally, PERKINS stated that he did not make it a business to sell firearms.

D. Further Analysis of Phone Records and Search and Seizure of PERKINS' Phones

31. Laraway said that he communicated with PERKINS via phone calls and text messages. He further stated that PERKINS used two different phone numbers, both of which

² Laraway advised that some of the firearms he sold to PERKINS were ones that he had owned for a while. Additionally, it should be noted that the time-to-crime range mentioned above is based on when Laraway purchased the firearms from an FFL. The true "time to crime" would be less days, given that Laraway sold the firearms to PERKINS an unknown number of days after purchasing them.

Laraway provided. Law enforcement subsequently determined, for two reasons, that it is highly probable that PERKINS actually used these two phone numbers. First, the toll records for the phone numbers reveal that Laraway was in frequent contact with both phone numbers.

Specifically, the communications reflect that PERKINS' phone numbers made outgoing calls to Laraway's phone number and received incoming calls from Laraway's phone number. Second, the phone numbers were subscribed to PERKINS' wife.

32. PERKINS is currently facing felony charges in Stafford County, Virginia, including two felony charges for attempted malicious wounding, in violation of Va. Code § 18.2-51.2. PERKINS was arrested by the Stafford County Sheriff's Office on April 8, 2016. He was incarcerated until he was released on bond on May 25, 2016.

33. On February 9, 2016, the Stafford County Sheriff's Office seized two Apple iPhones from PERKINS' residence during the execution of a state search warrant. PERKINS was present for the search. Both devices were recovered from the master bedroom of PERKINS' residence. One of the iPhones was located on top of the nightstand on the right side of the bed, and the other was located on top of a tall dresser located adjacent to the east wall of the master bedroom. Also, located within the top drawer of the nightstand located on the right side of the bed was a bill of sale for a firearm, which showed the sale of a Ruger model LCR .357 caliber pistol from PERKINS to another individual.

34. On August 15, 2017, the Stafford County Sheriff's Office turned over the iPhones to the ATF. On September 6, 2017, the Honorable Theresa C. Buchanan, United States Magistrate Judge for the Eastern District of Virginia, issued search warrants for each of the devices.

35. Among the images discovered on one of those iPhones is a photograph, dated August 8, 2015, of a tattooed individual holding a black pistol with an extended magazine over what appears to be the trunk of a vehicle. The pistol bears serial number A16361. Also visible in the photograph, behind the firearm, is a bill of sale memorializing Laraway's purchase of a firearm with serial number A16361. PERKINS has the same tattoo on his left forearm that the individual in the photograph has on his left forearm. Moreover, longitude and latitude data in the photograph's metadata corresponds to the parking lot of the Stonegate apartment complex in Stafford, Virginia, where PERKINS was living at the time. For these reasons, I believe that the person in the photograph holding the firearm in front of the bill of sale is PERKINS.

36. A records check conducted with the ATF Federal Firearms Licensing Center revealed that neither PERKINS nor anybody with his name or home address was licensed to import, manufacture, deal, or engage in the business of shipping, transporting, receiving, or selling firearms.

37. Information Provided by a Concerned Citizen

38. On May 23, 2016, ATF agents interviewed a concerned citizen (hereinafter "CC-1").³ CC-1 said that he knew PERKINS from an FFL located in Stafford, Virginia. CC-1 recalled, on one occasion, witnessing PERKINS purchase a pistol at the FFL, exit the premises, walk up to an unknown vehicle in the parking lot that was occupied by several unidentified individuals, and hand the firearm to someone inside the vehicle. CC-1 stated then PERKINS then walked away from the vehicle, leaving the firearm with the unidentified individuals. Shortly after witnessing this suspicious activity, CC-1 contacted the ATF. CC-1 further stated

³ This affidavit refers to several different concerned citizens. Regardless of each concerned citizen's true sex, I refer to the concerned citizens described in this affidavit as if they are males for purposes of protecting their identities.

that the manager of the FFL had also become concerned that PERKINS was buying firearms so that he could turn around and sell them on the street.

39. A check of CC-1's criminal record conducted in early March 2018 revealed no prior felony convictions.

PERKINS AND DRUG TRAFFICKING

40. The ATF, often in conjunction with local law enforcement, has interviewed several concerned citizens who have described PERKINS' involvement in a conspiracy to distribute and possess with intent to distribute controlled substances in the Eastern District of Virginia in 2015 and 2016. In describing the information that these concerned citizens have provided, I have intentionally omitted details that could compromise those sources' safety by revealing their identities.

A. Information Provided by CC-2 → met Perkins @ Stonegate

41. On February 23, 2016, law enforcement interviewed CC-2. CC-2 stated that he met PERKINS, who he had heard referred to as "Uptown," approximately two and a half years earlier when PERKINS was living at the Stonegate apartment complex. CC-2 began hanging out with PERKINS regularly in the summer of 2015. CC-2 knew PERKINS to have at least two firearms.

42. CC-2 recalled a time in the summer of 2015 when he was at Chancellor Tolliver's home at the Eagles Nest apartment complex in Stafford, Virginia, when Tolliver and PERKINS were there.⁴ Tolliver had a small black pistol—a Hi-Point 9mm—that came from "the streets." CC-2 said that he believed PERKINS had obtained the Hi-Point pistol for Tolliver.

⁴ On March 2, 2017, in the Stafford County Circuit Court, Tolliver was convicted of first-degree murder and using a firearm during the commission of a felony. He was subsequently sentenced to a total term of imprisonment of 33 years.

43. CC-2 also recalled a time in the fall of 2015 when he observed PERKINS purchase two handguns from a “military guy” outside of a business in Stafford, Virginia.

44. CC-2 further stated that he knew PERKINS to sell substantial quantities of marijuana. CC-2 himself had purchased “dime-bag” quantities (*i.e.*, \$10 worth) of marijuana from PERKINS, and CC-2 knew that PERKINS also sold marijuana to Tolliver. CC-2 said that he had seen two large zip-lock bags containing marijuana, which belonged to PERKINS, sitting on the kitchen table in Tolliver’s apartment. Based on my training and experience, I believe that each of those large zip-lock bags would have held approximately one pound of marijuana.

45. A check of CC-2’s criminal record conducted in early March 2018 revealed no prior felony convictions.

B. Information Provided by CC-3

46. On February 23, 2016, law enforcement interviewed CC-3. CC-3 stated that he knew PERKINS as “Uptown” and that Tolliver called PERKINS “the Plug.” CC-3 knew PERKINS sold drugs, including marijuana, cocaine, and heroin. CC-3 said that PERKINS supplied drugs to Tolliver that the two of them would sell out of Tolliver’s Eagles Nest apartment. CC-3 provided an example of what he often witnessed: an individual would enter Tolliver’s apartment; the individual would ask to purchase \$50 worth of heroin; Tolliver would go into a back room; and then Tolliver would reemerge with the heroin and complete the sale.

47. When CC-3 first met him, PERKINS was living at the Stonegate apartment complex, where he rented two apartment units—one that he lived in with his family, and another out of which he sold drugs with his brother-in-law.

48. According to CC-3, PERKINS often traveled to Washington, D.C., to buy drugs for resale in Virginia. Typically, PERKINS would come back from Washington, D.C. with a

pound of marijuana, between two and three ounces of cocaine, and between two and three ounces of heroin. In 2015, CC-3 accompanied PERKINS on one of these trips, during which PERKINS purchased approximately one pound of marijuana, three ounces of cocaine, and three ounces of heroin. On several occasions, PERKINS gave CC-3 free cocaine, which CC-3 consumed.

9

49. According to CC-3, PERKINS always had guns in his possession and would typically ride around with two or three guns on him.

50. CC-3 stated he was with PERKINS once when PERKINS purchased a firearm from an unknown individual in the Garrison Woods apartment complex in Stafford, Virginia. Approximately five minutes after buying the firearm, CC-3 said, PERKINS sold it to Tolliver.

51. On a separate occasion, CC-3 said, PERKINS gave Tolliver a different gun, which Tolliver later used to commit the aforementioned first-degree murder for which he was convicted in Stafford County.

52. Although CC-3 had never seen PERKINS buy or sell guns in Washington, D.C., CC-3 said that he had been told by PERKINS himself that PERKINS was getting guns for people in Washington, D.C.

53. A check of CC-3's criminal record conducted in early March 2018 revealed no prior felony convictions.

C. Information Provided by CC-4

54. On February 7 and August 23, 2017, law enforcement interviewed CC-4. CC-4 met PERKINS, also known as "the Plug," in 2015. Around that time, CC-4 stated, PERKINS was bringing into Stafford County, Virginia, approximately 500 grams of heroin per week, as

well as an unknown quantity of crack cocaine. According to CC-4, Tolliver was selling the heroin and crack cocaine for PERKINS out of his Eagles Nest apartment.

55. CC-4 began purchasing heroin from PERKINS in 2015. Eventually, PERKINS offered to front heroin to CC-4 for resale. CC-4 agreed to the arrangement and routinely obtained the heroin from PERKINS at Tolliver's Eagles Nest apartment, where, CC-4 said, PERKINS packaged cocaine and heroin for distribution by placing it in clear plastic sandwich baggies that were knotted closed.

56. CC-4 also said that he had witnessed PERKINS cook up crack cocaine at Tolliver's apartment. According to CC-4, PERKINS had a firearm on his person and actually removed the firearm from his person and placed it on top of the kitchen refrigerator while he was cooking up the crack cocaine. CC-4 stated that PERKINS was known to carry a firearm with a 30-round magazine. Furthermore, CC-4 stated that he had seen PERKINS with an "AK style" rifle.

57. CC-4 knew of at least six other individuals who had purchased drugs from PERKINS, including CC-5 and CC-10.

58. One of PERKINS' co-conspirators (hereinafter referred to as "Co-Conspirator 1") told CC-4 that he had driven PERKINS to Washington, D.C., to obtain heroin.⁵

59. CC-4 said that PERKINS was known to possess substantial numbers of firearms.

Co-Conspirator 1, among others, told CC-4 that PERKINS sold firearms to people in Washington, D.C. According to CC-4, he had heard from several individuals that PERKINS had

⁵ This affidavit refers to two co-conspirators. Regardless of each co-conspirator's true sex, I refer to the co-conspirators described in this affidavit as if they are males for purposes of protecting their identities.

given Tolliver the gun that Tolliver used to commit the aforementioned first-degree murder in February 2016.

60. A check of CC-4's criminal record conducted in early March 2018 revealed prior felony convictions.

61. The government has given CC-4 informal use immunity for violations of federal controlled-substance and firearms laws in exchange for the provision of truthful information concerning the activities of PERKINS and others.

D. Information Provided by CC-5

62. On September 26, 2017, law enforcement interviewed CC-5. CC-5 came to know PERKINS through Tolliver, whom CC-5 knew to be an unemployed drug dealer. CC-5 said that PERKINS was known as "the Plug," and that he had heard Tolliver call PERKINS his "Plug." CC-5 understood "plug" to refer to a source of supply of drugs.

63. CC-5 said that he purchased marijuana and cocaine from Tolliver at Tolliver's Eagles Nest apartment over an approximately one-month period in 2015 or 2016. During the first purchase, which was of marijuana, PERKINS was present inside the apartment. CC-5 observed Tolliver and PERKINS sitting at the kitchen table. In front of them, on the table, was a firearm. Additionally, PERKINS had a black firearm resting on his leg. CC-5 recalled that there were drugs, including marijuana and cocaine, on the kitchen table as well. The cocaine on the table was in a sandwich bag in a ball shape about the size of CC-5's fist. Also at this time, Co-Conspirator 1 was walking around the apartment, holding a long gun. According to CC-5, Co-Conspirator 1 would always drive around Tolliver and PERKINS.

64. CC-5's second purchase from Tolliver was of cocaine. CC-5 recalled that when he entered the apartment that time, Tolliver was sitting on a couch with a black firearm next to

him while PERKINS was sitting on a different couch with a black firearm beside him. CC-5 told Tolliver that he wanted to buy cocaine, at which point both Tolliver and PERKINS went into the back room. Shortly thereafter, Tolliver and PERKINS returned to the living room and Tolliver handed the cocaine, packaged in a clear sandwich bag corner, to CC-5. While he was in the apartment, CC-5 also observed other drugs and a long gun propped up in a corner.

65. CC-5 witnessed Tolliver and PERKINS go into the back room to retrieve drugs for other customers who came to the Eagles Nest apartment.

66. On another occasion that CC-5 purchased drugs from Tolliver, he recalled a small child was present in the apartment. CC-5 further recalled that, before he sat down at the kitchen table, both Tolliver and Perkins pulled out firearms from their clothing and placed them on the table.

67. During another trip to the apartment to purchase cocaine, CC-5 recalled that Tolliver and PERKINS, each of whom had a firearm in front of him, were sitting at a table, scooping cocaine into little bags.

68. A check of CC-5's criminal record conducted in early March 2018 revealed no prior felony convictions.

E. Information Provided by CC-6

69. On September 28, 2017, law enforcement interviewed CC-6. CC-6 met PERKINS through Tolliver, who introduced PERKINS as "the Plug." CC-6 said that Tolliver sold drugs, including marijuana and molly (*i.e.*, MDMA or eCCTasy in a crystalline powder form), that he obtained from PERKINS. CC-6 knew that Tolliver and PERKINS sold drugs out of Tolliver's Eagles Nest apartment.

70. CC-6 said that customers would come to Tolliver's apartment where either Tolliver or PERKINS would sell the customer whatever drug the customer requested. CC-6 said that he had personally seen customers hand cash to PERKINS and PERKINS, in return, hand the customers drugs, including marijuana and molly.

71. On one occasion, CC-6 said, he was in the apartment's back room with Tolliver, PERKINS, and one of their co-conspirators (hereinafter "Co-Conspirator 2") while they were transferring portions of a baseball-sized pile of a hard, white powdery substance, which was on a scale,⁶ into small baggies. Also in the back room, sitting on top of a dog cage, was a black long gun.

72. According to CC-6, PERKINS had one or two firearms on his person at all times. When he was sitting in one of the living room chairs in Tolliver's apartment, PERKINS would either have a firearm resting on his leg or tucked into the side of the chair.

73. From approximately mid-summer 2015 through approximately February 2016, CC-6 observed PERKINS dealing drugs while armed with a firearm every few days when CC-6 would stop by Tolliver's apartment. Tolliver was arrested in February 2016 and detained without bond. Thereafter, CC-6 said, PERKINS and Co-Conspirator 2 continued to show up at Tolliver's old Eagles Nest apartment, where PERKINS maintained his drug distribution activities. At this time, according to CC-6, Co-Conspirator 1 and Co-Conspirator 2 were obtaining drugs from PERKINS and then reselling them.

74. CC-6 said that everyone in the Garrison Woods apartment complex knew PERKINS and Tolliver were selling drugs and that everyone was intimidated by PERKINS.

⁶ Based on my training and experience, I know that drug dealers often use scales to measure the amount of drugs that they are packaging and/or selling.

75. CC-6 acknowledged consuming marijuana provided by PERKINS.

76. A check of CC-6's criminal record conducted in early March 2018 revealed no prior felony convictions.

F. Information Provided by CC-7

77. On October 3, 2017, law enforcement interviewed CC-7. CC-7 stated that he had heard that PERKINS was selling cocaine in 2015, but CC-7 only ever saw PERKINS selling marijuana, which, CC-7 said, PERKINS dealt out of Tolliver's Eagles Nest apartment, a Garrison Woods apartment, and a Stonegate apartment.

78. At Tolliver's Eagles Nest apartment, CC-7 would see individuals periodically coming in to purchase marijuana from PERKINS and Tolliver. According to CC-7, PERKINS would have a handgun on his person at all times, including while he was selling drugs.

79. CC-7 stated that he had seen PERKINS with zip-lock bags full of marijuana, including, at least once, in the back room of Tolliver's Eagles Nest apartment. On that occasion, PERKINS was armed with a handgun.

80. A check of CC-7's criminal record conducted in early March 2018 revealed no prior felony convictions.

G. Information Provided by CC-8

81. On October 4, 2017, law enforcement interviewed CC-8, who knew Tolliver and PERKINS. CC-8 stated that, in 2016, he observed marijuana, molly, and firearms inside Tolliver's apartment. CC-8 said that he had seen PERKINS with molly on his person. CC-8 knew that it was molly because he specifically asked PERKINS what it was and PERKINS told him that it was molly.

82. CC-8 talked about observing plastic sandwich baggies and a pump-action firearm on top of a dog cage in the back room of Tolliver's apartment. According to CC-8, Tolliver's apartment was very busy, with people constantly coming in and out of the apartment. More specifically, CC-8 said, people would enter the apartment, PERKINS and/or Tolliver and the customers would go to the back room and shut the door, and then a couple of minutes later they would reemerge from the back room and the customers would leave.

83. CC-8 had seen PERKINS with large sums of cash folded up and kept in his pocket.

84. According to CC-8, PERKINS and Tolliver were always together up until Tolliver's February 2016 arrest. Moreover, CC-8 said, prior to when PERKINS started coming around, Tolliver was not known to sell large quantities of drugs or have large sums of cash.

85. CC-8 advised that, after Tolliver was arrested, PERKINS continued going to Tolliver's old Eagles Nest apartment several times per week. CC-8 said that CC-10 had told him that around this time PERKINS was getting black molly from Washington, D.C., and bringing it back to Stafford, Virginia.

86. CC-8 said that PERKINS was always armed with a firearm either on his hip or on his leg if he was in a vehicle. This included, CC-8 said, during drug transactions in which PERKINS was engaged.

87. CC-8 further advised that Co-Conspirator 2, who CC-8 had seen with a handgun, was with PERKINS all the time, including in the back room of Tolliver's Eagles Nest apartment, and that Co-Conspirator 1 would do whatever PERKINS told him to do. Co-Conspirator 1 told CC-8 that PERKINS was also selling heroin and cocaine. Co-Conspirator 1 further told CC-8 that he was selling drugs for PERKINS.

88. A check of CC-8's criminal record conducted in early March 2018 revealed no prior felony convictions.

H. Information Provided by CC-9

→ met Perkins in summer of 2015

89. On October 11 and October 25, 2017, law enforcement interviewed CC-9, who met PERKINS in the summer of 2015. It was around this time, CC-9 stated, that Tolliver and PERKINS began hanging out daily, handling firearms, and selling drugs, including cocaine, crack cocaine, and heroin. CC-9 knew Tolliver and PERKINS to sell drugs together from approximately August 2015 through February 2016 when Tolliver was arrested. According to CC-9, Tolliver called PERKINS "the Plug," which CC-9 understood to mean source of supply of drugs.

90. Initially, CC-9 advised, Tolliver sold cocaine purchased from PERKINS, often with PERKINS, to residents of the Garrison Woods apartment complex, located one neighborhood over from the Eagles Nest apartment complex. When PERKINS' cocaine supply began drying up in late 2015, CC-9 said, PERKINS started selling heroin and crack cocaine, predominantly out of Tolliver's Eagles Nest apartment. More specifically, CC-9 stated, Tolliver, PERKINS, and Co-Conspirator 2 would sell drugs out of the back room of that apartment where there was, among other things, a dog cage. CC-9 also said that Co-Conspirator 1 helped them sell drugs. According to CC-9, between October 2015 and November 2015, Tolliver and PERKINS sold large quantities of drugs.

91. During his interview with law enforcement, CC-9 identified several of Tolliver and PERKINS' customers, whose names are omitted from this affidavit for their protection.

92. CC-9 stated that PERKINS, who was always talking about guns, typically carried two firearms on his person, one of which was a black handgun. CC-9 had seen PERKINS with

three firearms at one time. CC-9 described one of the firearms as an AR-15 style pistol, which PERKINS brought to Tolliver's apartment and kept there in a closet in the back room for between two and three months. The other two firearms, CC-9 recalled, were Glock pistols. CC-9 said that, as a means of protection, PERKINS would have Co-Conspirator 2 or somebody else who was armed with a gun answer the front door of Tolliver's apartment when customers knocked. PERKINS' motto, CC-9 advised, was something to the effect of "always be ready to shoot."

93. According to CC-9, PERKINS said he was getting his guns from a "military guy" who had a vehicle with a trunk full of firearms. Later on, however, PERKINS stated that the "military guy" was being investigated by the ATF. PERKINS expressed his hopes that the "military guy" would not give up information about him.

94. CC-9 said that PERKINS provided firearms to Tolliver and Co-Conspirator 2.

95. A check of CC-9's criminal record conducted in early March 2018 revealed a prior felony conviction.

I. Information Provided by CC-10

96. On November 16, 2017, law enforcement interviewed CC-10, who first met PERKINS in the summer of 2015. CC-10's first encounter with PERKINS occurred at Tolliver's Eagles Nest apartment where CC-10 recalled there being arrayed on a table what Tolliver and PERKINS called "10 packs"—i.e., 10-gram packages of heroin. CC-10 recalled that resting on the table in front of PERKINS was a green Glock pistol with an extended magazine. Tolliver, too, was armed with a black pistol. CC-10 further remembered that PERKINS had with him a Louis Vuitton bag that he used to carry around drugs, including marijuana, cocaine, molly, and heroin.

97. According to CC-10, PERKINS sold “10 packs” of heroin for \$1,000 apiece. CC-10 knew PERKINS to front “10 packs” to Tolliver. CC-10 stated that Tolliver would obtain heroin and cocaine from PERKINS and then sell it, either out of his Eagles Nest apartment or out of apartments in Garrison Woods. PERKINS told CC-10 that he obtained his drugs from Washington, D.C.

98. CC-10 stated that, in 2015 and 2016, he observed substantial amounts of money and large quantities of firearms and drugs at Tolliver’s apartment as well as customers coming in and out. Elaborating about Tolliver’s and PERKINS’ drug distribution habits, CC-10 explained that Tolliver would sell drugs to the users while PERKINS would sell larger quantities of drugs to lower-level dealers. In addition, CC-10 told investigators, PERKINS would give Co-Conspirator 2 drugs to deliver to customers. Co-Conspirator 2 would do so and then return to Tolliver’s apartment to give PERKINS the money that the customers had given Co-Conspirator 2 for the drugs.

99. According to CC-10, PERKINS and Tolliver referred to the back room of Tolliver’s Eagles Nest apartment as the “trap room.”⁷ CC-10 recalled seeing plastic baggies, scales, and drugs in a table drawer in that room. CC-10 also saw Tolliver packaging drugs there.

100. CC-10 stated that, up until approximately the time of Tolliver’s arrest in February 2016, PERKINS was always armed with a firearm, either on his person (usually on his hip) or sitting in front of or near him, including when he was distributing drugs. After Tolliver’s arrest, CC-10 said, PERKINS continued going to the Eagles Nest apartment nearly every day. Around

⁷ Based on my training and experience, I know that a “trap room” refers to a location where drugs are being maintained and/or exchanged.

this time, PERKINS' supply of heroin dried up, but CC-10 said that PERKINS was still obtaining marijuana, cocaine, and black Molly.

101. CC-10 admitted that he resold drugs that he acquired from PERKINS.

102. PERKINS told CC-10 that he made his money by selling firearms—primarily concealable handguns—in Washington, D.C. PERKINS explained to CC-10 that he used firearms websites, such as gunbroker.com, to locate people selling firearms in Virginia, and that he would then use various aliases when contacting them about prospective purchases of the firearms for sale.

103. A check of CC-10's criminal record conducted in early March 2018 revealed prior felony convictions.

104. The government has given CC-10 informal use immunity for violations of federal controlled-substance and firearms laws in exchange for the provision of truthful information concerning the activities of PERKINS and others.

CONCLUSION

105. Based on the foregoing, there is probable cause to believe that between in or around August 2015 through in or around February 2016, in Stafford County, Virginia, within the Eastern District of Virginia, and elsewhere, BOBBY PERKINS, JR. used and carried a firearm during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States—to wit, conspiracy to distribute and possess with intent to distribute controlled substances, in violation of 21 U.S.C. §§ 841(a)(1) and 846—and possessed a firearm in furtherance of that crime, in violation of 18 U.S.C. § 924(c).



Ashleigh C. Hall

Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before me this 27 day of March, 2018.



/s/
Theresa Carroll Buchanan
United States Magistrate Judge

The Honorable Theresa C. Buchanan
United States Magistrate Judge